

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

M. Kathleen McKinney, Regional)	
Director of Region 15 of the National)	
Labor Relations Board, for and on)	
Behalf of the National Labor Relations)	
Board,)	No. 15-5211
)	
Petitioner/Appellee,)	
)	
v.)	
)	
OZBURN-HESSEY LOGISTICS, LLC,)	
)	
Respondent/Appellant.)	

**APPELLANT'S UNOPPOSED MOTION FOR AN EXTENSION OF
TIME IN WHICH TO FILE ITS BRIEF**

Petitioner-Appellee M. Kathleen McKinney, Regional Director of Region 15 of the National Labor Relations Board, for an on behalf of the National Labor Relations Board ("the Board"), respectfully requests an extension of time of thirty (30) days, to and including June 14, 2017, to file its response to Respondent-Appellant's opening brief. In support, the Board shows as follows:

1. Pursuant to the Court's April 14 briefing letter, the Board's brief is presently due to be filed on or before May 15, 2017.
2. This appeal is being handled by the Board's Injunction Litigation Branch, located in agency headquarters in Washington, D.C.

3. Meghan B. Phillips, the attorney assigned to this case, recently transferred from the Board's headquarters in Washington, D.C. to its regional office located in Pittsburgh, Pennsylvania. As a result, Ms. Phillips is no longer available to handle this briefing assignment and will be removing her name from the case as an attorney of record.

4. The only other attorney in the Injunction Litigation Branch who is available to take this assignment is currently on a vacation that was planned in advance of the Court's April 14 briefing letter. She will return to the office on April 25.

5. The record upon which this appeal is based consists of the administrative record in the related unfair labor practice proceeding. Fifteen unfair labor practice charges concerning 48 allegations of unfair labor practices were consolidated into that one proceeding. The hearing in that proceeding lasted 10 days with 39 witnesses testifying; the transcript consists of 2,780 pages and has 1,297 pages of exhibits.

6. Given the length and complexity of the record, and the fact that the new attorney assigned to the case will not be returning to the office until April 25, she cannot properly familiarize herself with the record and prepare an adequate responsive brief in time to meet the May 15 filing date.

7. Counsel for Respondent/Appellant, Ozburn-Hessey, Logistics, LLC, has informed the Board that it has no objection to the Board's request for an extension of time.

WHEREFORE, the Board respectfully requests that the time for filing its brief in the above proceeding be extended for 30 days from May 15, 2017 to June 14, 2017.

s/Elinor L. Merberg
Elinor L. Merberg
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National Labor Relations Board
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Dated at Washington, DC
this 20th day of April, 2017

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/Elinor L. Merberg
Elinor L. Merberg
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Dated at Washington, DC
this 20thth day of April, 2017

